

Building Blocks for Effective Housing Elements

Governmental Constraints

Processing and Permit Procedures

Government Code Section 65583(a) requires “An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels,...including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures...”.

Processing and permit procedures can pose a considerable constraint to the production and improvement of housing. Common constraints include lengthy processing time, unclear permitting procedures, layered reviews, multiple discretionary review requirements, and costly conditions of approval. These constraints increase the final cost of housing, uncertainty in the development of the project, and overall financial risk assumed by the developer.

I. REQUISITE ANALYSIS

Processing and Permit Procedures

- Describe and analyze the types of permits, extent of discretionary review including required approval findings, procedures, and processing time required for residential development by zoning district.
- Describe and analyze the total permit and entitlement process for a typical single-family unit, subdivision, and multifamily project. Description should include typical processes required for single-family and multifamily projects and an estimate of total typical time necessary to complete the entitlement process.
- Describe and analyze the permit requirements and process for emergency shelters, transitional housing, supportive housing, single-room occupancy units, and farmworker housing.
- Describe and analyze all permits applicable to residential development, including conditional use permits and additional mechanisms that place conditions and performance standards on development (i.e., community plan implementation zones, hillside overlay zones, environmentally sensitive areas, etc.). For example, if the jurisdiction requires a conditional use permit for multifamily housing in a multifamily zone, the element should analyze this permit procedure as a constraint.

- In the case where discretionary approval from the local legislative bodies is required for permitted uses, the element should describe how the standards of decision-making promote development certainty.
- Describe and analyze other applicable regulations and processes such as design review and planned unit development (PUD) districts.

If the jurisdiction has a design review process, the element should describe and analyze review approval procedures and decision-making criteria. The analysis could also indicate whether objective standards and guidelines exist to allow an applicant for a residential development permit to determine what is required in order to mitigate cost impacts.

The element should also describe the typical processing time and procedures of a residential PUD, from the “preliminary review” process to final approval by the governing board, and how development standards (e.g., setbacks and minimum lot area) and allowable densities are determined for the (PUD) zone.

- If the jurisdiction has adopted an inclusionary ordinance, the element must provide an analysis of the ordinance. For example, the element should describe the types of incentives the jurisdiction has or will adopt to encourage and facilitate compliance with inclusionary requirements, what options are available for developers to meet affordability requirements, how the ordinance interacts with density bonus law, the amount of any in-lieu fee, and what finding a developer must make in order to choose to pay the in-lieu fee. If the jurisdiction has established a housing fund to collect any in-lieu fees, the element should describe the total amount available for housing production and any planned uses for the funds.

Sample Tables

The following are sample tables to assist in organizing critical information pertaining to housing element requirements. The information provided in the tables should be tailored to the jurisdiction and followed by appropriate analysis. These sample tables are not intended to be a substitute for addressing the analytical requirements described in the statute.

Housing Types Permitted by Zoning District

RESIDENTIAL USE	ZONE			
	R-1*	R-2*	R-3*	Mixed-Use*
SF-Detached				
SF-Attached				
2-4 DU				
5+ DU				
Residential Care <6P				
Residential Care >6P				
Emergency Shelter				
Single-Room Occupancy				
Manufactured Homes				
Mobile-Homes				
Transitional Housing				
Farmworker Housing				
Supportive Housing				
Farmworker Housing				
2nd Unit				
P=Permitted CUP=Conditional Use * Change zoning designations to match jurisdiction's zoning ordinance as appropriate.				

Timelines for Permit Procedures

Type of Approval or Permit	Typical Processing Time
Ministerial Review	
Conditional Use Permit	
Zone Change	
General Plan Amendment	
Site Plan Review	
Architectural/Design Review	
Tract Maps	
Parcel Maps	
Initial Environmental Study	
Environmental Impact Report	
Other	
Source: Local Building and Planning Departments	

Typical Processing Procedures by Project Type

	Single Family Unit	Subdivision	Multifamily < 20 units	Multifamily > 20 units
List Typical Approval Requirements				
Est. Total Processing Time				

KEY IDEAS

II. MODEL ANALYSES

[Sample Analysis](#)

IV. LINKS

[Raising the Roof - California Housing Development Projections and Constraints 1997-2020](#)

[HCD Memo on AB1866 — Second-Unit Legislation](#)

[HCD's Department Inclusionary Housing Letter](#)

[On Common Ground: Joint Principles on Inclusionary Housing Policies](#). Non-Profit Housing Association of Northern California and Home Builders Association of Northern California, July 2005.

[HUD's Regulatory Barriers Clearinghouse](#)

[May, Peter J. 2004. "Regulatory Implementation: Examining Barriers from Regulatory Processes"](#) (paper prepared for HUD Conference on Regulatory Barriers to Housing, April 22, 2004).

[City of Columbus, OH Building Services MOU](#) - policies and procedures defined by city and industry representatives to improve development services in the City of Columbus.